

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

TELLUS FIT, LLC,

Plaintiff,

v.

**SONY MOBILE COMMUNICATIONS
(USA) INC.,**

Defendant.

Case No. 6:16-cv-422-RWS

JURY TRIAL DEMANDED

**PLAINTIFF TELLUS FIT, LLC'S RESPONSE TO
DEFENDANT SONY MOBILE COMMUNICATIONS (USA) INC.'S
COUNTERCLAIMS**

Plaintiff Tellus Fit, LLC ("Tellus Fit") responds to the counterclaims of Defendant Sony Mobile Communications (USA) Inc. ("Sony") filed on August 10, 2016 (Doc. #11) by corresponding paragraph numbers as follows:

DEFENDANT'S COUNTERCLAIM

PARTIES

1. Admitted.
2. Admitted.

JURISDICTION AND VENUE

3. Admitted.
4. Admitted that Defendant denies infringement and disputes the validity of and enforceability of the '937 Patent but denies that Defendant is entitled to any relief.

5. Admitted.
6. Admitted.
7. Admitted

8. Admitted

FIRST COUNTERCLAIM

(Declaratory Judgment of Non-Infringement of the '937 Patent)

9. In response to the allegation in Paragraph 9, no response is required.
10. Admitted.
11. Admitted.
12. Denied.
13. Denied that Defendant is entitled to the relief requested.

SECOND COUNTERCLAIM

(Declaratory Judgment of Invalidity of the '937 Patent)

14. In response to the allegation in Paragraph 14, no response is required.
15. Admitted.
16. Denied.
17. Denied that Defendant is entitled to the relief requested.

Demand for Jury Trial

18. Tellus Fit admits that Defendant has made a jury demand.

Tellus Fit denies that Sony is entitled to the relief requested in its Prayer for Relief, or any relief whatsoever.

PRAYER

In addition to the relief requested in Tellus Fit, LLC's Complaint for Patent Infringement, Tellus Fit respectfully requests a judgment against Sony as follows:

- a. That Sony take nothing against Tellus Fit in this action;

- b. That the Court award Tellus Fit's costs and attorney's fees in defending against these Counterclaims; and
- c. Any and all further relief for Tellus Fit as the Court may deem just and proper.

Dated: August 31, 2016

Respectfully submitted,

/s/ Todd Y. Brandt
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Attorneys for Tellus Fit, LLC

CERTIFICATE OF SERVICE

I hereby certify that the following counsel of record, who are deemed to have consented to electronic service are being served this 31st day of August, 2016, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Todd Y. Brandt
Todd Y. Brandt